

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 355

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO HIGHER EDUCATION; ALLOWING COLLEGE AFFORDABILITY
SCHOLARSHIPS TO BE USED AT TRIBAL COLLEGES; DEFINING ELIGIBLE
STUDENT; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 21-21L-1 NMSA 1978 (being Laws 2005,
Chapter 192, Section 1) is amended to read:

"21-21L-1. SHORT TITLE.--~~[This act]~~ Chapter 21, Article
21L NMSA 1978 may be cited as the "College Affordability Act"."

Section 2. Section 21-21L-3 NMSA 1978 (being Laws 2005,
Chapter 192, Section 3) is amended to read:

"21-21L-3. DEFINITIONS.--As used in the College
Affordability Act:

A. "commission" ~~[means the commission on]~~ or
"department" means the higher education department;

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underscoring material = new
[bracketed material] = delete

1 ~~[B. "returning adult" means a student enrolling in~~
2 ~~a public post-secondary educational institution at any time~~
3 ~~later than the first semester following high school graduation~~
4 ~~or the award of a general educational development certificate;~~
5 ~~and~~

6 ~~C. "student" means a resident of New Mexico who is~~
7 ~~enrolled or will be enrolled, at the time the scholarship is~~
8 ~~awarded, in a public post-secondary educational institution in~~
9 ~~New Mexico]~~

10 B. "eligible student" means a New Mexico resident
11 who is enrolled or enrolling at least half-time in a public
12 post-secondary educational institution or tribal college at any
13 time following high school graduation or the award of a general
14 educational development certificate;

15 C. "scholarship" means a college affordability
16 scholarship; and

17 D. "tribal college" means a tribally, federally or
18 congressionally chartered post-secondary educational
19 institution located in New Mexico that is accredited by the
20 north central association of colleges and schools."

21 Section 3. Section 21-21L-4 NMSA 1978 (being Laws 2005,
22 Chapter 192, Section 4) is amended to read:

23 "21-21L-4. CONDITIONS FOR ELIGIBILITY.--A [college
24 affordability] scholarship may be awarded to [any person] an
25 eligible student who:

1 ~~[A. is a resident of New Mexico for the purpose of~~
2 ~~tuition payment;~~

3 ~~B.] A.~~ has not earned a baccalaureate degree [~~and~~
4 ~~is enrolled or will be enrolled at least half time in a degree~~
5 ~~program in a public post-secondary educational institution in~~
6 ~~New Mexico]~~ at the time the scholarship is awarded;

7 ~~[C.] B.~~ has demonstrated financial need consistent
8 with the criteria promulgated by the [~~commission]~~ department;
9 and

10 ~~[D.] C.~~ has complied with other rules promulgated
11 by the [~~commission]~~ department to carry out the provisions of
12 the College Affordability Act."

13 Section 4. Section 21-21L-5 NMSA 1978 (being Laws 2005,
14 Chapter 192, Section 5) is amended to read:

15 "21-21L-5. SCHOLARSHIP AUTHORIZED--ADMINISTRATION--
16 PREFERENCE IN SCHOLARSHIP AWARDS.--

17 A. The [~~commission]~~ department shall administer the
18 College Affordability Act and shall promulgate rules to carry
19 out the provisions of that act.

20 B. Scholarships shall be awarded to qualified
21 [~~applicants]~~ eligible students. Qualifications shall be
22 determined by rule of the [~~commission]~~ department.

23 C. The [~~commission]~~ department shall allocate money
24 to public post-secondary educational institutions and tribal
25 colleges based on a student need formula calculated according

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1 to income reported on the free application for federal student
2 aid and on the percentage of the institution's students
3 classified as returning adults who are otherwise ineligible for
4 state financial aid.

5 D. Public post-secondary educational institutions
6 and tribal colleges shall make awards to qualifying eligible
7 students based on financial need in an amount not to exceed one
8 thousand dollars (\$1,000) per semester as determined by rule of
9 the [~~commission~~] department.

10 E. Money for [~~an awarded~~] the scholarship shall be
11 placed in an account at the public post-secondary educational
12 institution or tribal college in the name of the eligible
13 student, and the money may be drawn upon to pay educational
14 expenses charged by the institution, including tuition, fees,
15 books and course supplies."

16 Section 5. Section 21-21L-6 NMSA 1978 (being Laws 2005,
17 Chapter 192, Section 6) is amended to read:

18 "21-21L-6. DURATION OF SCHOLARSHIP.--Each scholarship is
19 for a period of one semester. A scholarship may be renewed,
20 provided the [~~recipient~~] eligible student continues to meet the
21 conditions of eligibility, until the [~~award recipient has~~
22 ~~received eight consecutive semester scholarship awards or until~~
23 ~~the~~] eligible student graduates from [~~an eligible~~] a four-year
24 public post-secondary educational institution [~~whichever occurs~~
25 ~~first~~]."

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1 Section 6. Section 21-21L-7 NMSA 1978 (being Laws 2005,
2 Chapter 192, Section 7) is amended to read:

3 "21-21L-7. TERMINATION OF SCHOLARSHIP.--A scholarship is
4 terminated upon occurrence of one or more of the following:

5 A. withdrawal of the [~~award recipient~~] eligible
6 student from the public post-secondary educational institution
7 or tribal college or failure to remain as at least a half-time
8 student;

9 B. failure of the [~~award recipient~~] eligible
10 student to achieve satisfactory academic progress; or

11 C. substantial noncompliance by the [~~award~~
12 ~~recipient~~] eligible student with the College Affordability Act
13 or the rules promulgated pursuant to that act."

14 Section 7. Section 21-21L-8 NMSA 1978 (being Laws 2005,
15 Chapter 192, Section 8) is amended to read:

16 "21-21L-8. FUNDS CREATED.--

17 A. The "college affordability endowment fund" is
18 created as a nonreverting fund in the state treasury,
19 consisting of appropriations, unspecified gifts, grants and
20 donations [~~and income from investment of the fund~~]. Income
21 from investment of the fund shall be distributed to the college
22 affordability scholarship fund [~~as provided in Subsection C of~~
23 ~~this section, and no other distributions, transfers or~~
24 ~~reversions shall be made from the fund at the end of any fiscal~~
25 year].

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